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VIA E-MAIL to kcotto@water.ca.gov

TO: Kim Cotto, Department of Water Resources

FROM: _____
Roger K. Masuda
Relicensing Team Coordinator
County of Butte

SUBJECT: Oroville Facilities Relicensing (FERC Project No. 2100) – Butte County's
Comments on Draft NEPA Scoping Document 2 and Amended CEQA Notice of
Preparation dated February 25, 2003

The following are Butte County's comments on the above draft document:

3.0 Project Facilities and Operational Constraints

1. Section 3.2, 4th sentence, page 9, states that meeting the water supply objectives of the SWP has always been the primary consideration for determining Oroville Facilities operation. DWR should state its position as to the percentage breakdown of the Lake Oroville Facilities as between water supply and power production for purposes of the relicensing and the proposed basis for that allocation. For example, the Lake Oroville Facilities are devoted 75% to water supply purposes and 25% to power production purposes.

2. Section 3.2.1, 3rd paragraph (last paragraph under "Temperature Requirements"), page 11: The County supports the wording changes proposed by Biggs-West Gridley Water District, Butte Water District, Richvale Irrigation District, Sutter Extension Water District, Joint Water Districts Board, Western Canal Water District, and Northern California Water Association relating to DWR's contractual obligations for agricultural water temperature.

Warmer water temperatures in Thermalito Afterbay for agricultural water diversions complement the need for warmer water temperatures for beneficial recreational uses in the Afterbay.

4.0 Statement of Purpose and Need/Project Objectives

3. Section 4.1, page 13, should:

a. state what percentage of average annual generation is used (1) for project power uses within the Lake Oroville Facilities FERC project boundaries net of pump-back operations and (2) for pump-back operations.

b. give a general description of the DWR-Southern California exchange agreement and state the expiration date of that agreement, which is before the expiration of the current FERC license.

4. Section 4.4, page 14: The word "Enhancement" should be deleted from the section heading. As the first sentence states, the Oroville Facilities are "operated and maintained to meet important recreational and fish and wildlife protection purposes" as well as for important recreational and fish and wildlife mitigation purposes.

5. Section 4.4, page 14: The April 21, 2003 "Draft Outline of Preliminary Draft Environmental Assessment (PDEA)" in Section 4.20 recognizes environmental justice as an appropriate subject for analysis and evaluation under socioeconomics. The importance of environmental justice should be mentioned in Section 4.4.

5.0 Alternatives

6. Section 5.1, page 15: Add to the end of the paragraph – "This alternative will also include resolution of disputes that arose in connection with the original FERC license."

7. Section 5.2, page 15: Add language to the effect that DWR recognizes that the actual PM&Es approved by the FERC could be significantly different from those proposed by DWR in this alternative.

8. Section 5.3.1, pages 15-16, add to the end of the section the following: "DWR will continue to have the ultimate responsibility as the FERC licensee for the proper maintenance and operation of the above recreational facilities and any new facilities even though some or all of the maintenance and operation work is delegated or assigned to other State agencies or public or private entities."

9. Sections 5.3.2 and 5.3.3, page 16: Generally describe DWR's existing obligation to fund maintenance, operations, and improvements to the Oroville Wildlife Area and the Feather River Fish Hatchery. See DWR's general funding obligations discussed in Section 5.3.5.

10. Section 5.3.5, page 17: The last sentence describes a monetary limit under the "last requirement" of a not-to-exceed amount of "\$300,000 based on the December 1954 Engineering News Record Construction Cost Index" but does not explain if and how the \$300,000 is adjusted over time. The annual average ENR Construction Cost

Index for 1954 was 628 (1913 = 100). The annual average index for 2002 was 6538; the December 2002 index was 6563. Using the 628 and 6563 index numbers, \$300,000 in 1954 becomes \$3,135,191 in December 2002.

6.0 Cumulative Impacts/Cumulative Effects Proposed Analysis

11. Section 6.0, page 23, third paragraph: DWR should disclose that the “draft guidance document” is still just a draft, needs further development, and has not been approved by various participants, including Federal and State fish and wildlife agencies, and the Plenary Group.

12. Section 6.0, page 23, add to the end of Step 2 Work Task: “The cumulative effect of past, present, and future impacts of Project 2100 on the potentially affected resources will be considered.” For example, before Oroville Dam, the Low Flow Channel was a heavily used water recreational area, which use was eliminated by the water temperature changes caused by Oroville Dam.

If you have any questions regarding these comments, please contact either Bruce Alpert, Butte County Counsel at (530) 538-7621, or me.

[end of memorandum]

cc: Butte County Board of Supervisors
Butte County Relicensing Team